

# GENERAL ORDER

## FAIRFAX COUNTY POLICE DEPARTMENT



SUBJECT: REGULATIONS	NUMBER: 201
CANCELS ORDER DATED: 7-1-12	ISSUE DATE: 4-1-13

### 201 GENERAL RESPONSIBILITIES

#### 201.1 KNOWLEDGE OF REGULATIONS

Every employee is required to establish and maintain a working knowledge of all laws and ordinances in force in the County and State, Regulations and General Orders of the Department, and the Fairfax County Police Department Standard Operating Procedures. In the event of improper action or breach of discipline, it will be presumed that the member was familiar with the law, Regulation or Order in question. Violation of any law, Regulation or Order may be grounds for disciplinary action.

#### 201.2 COUNTY PERSONNEL REGULATIONS

Employees of the Department shall be governed by the County personnel rules unless they are specifically exempted. Each officer of the Department is required to be familiar with these rules.

#### 201.3 OBEDIENCE TO LAWS AND REGULATIONS

All employees shall observe and obey all laws and ordinances, all rules and regulations of the Department, all General Orders of the Department, and all Fairfax County Police Department Standard Operating Procedures.

#### 201.4 PERFORMANCE OF DUTY

All employees shall perform their duties as required or directed by law, departmental rule, policy, Order, Standard Operating Procedure, or by order of a superior officer. All lawful duties required by competent authority shall be performed promptly as directed, notwithstanding the general assignment of duties and responsibilities. Malfeasance, misfeasance and nonfeasance shall constitute a violation of this regulation.

#### 201.5 REPORTING VIOLATION

Any employee who has knowledge of other employees, individually or collectively, who are knowingly or unintentionally violating any laws or statutes, ordinances, or rules and regulations of the Department, or who disobey orders, shall immediately bring any and all facts pertaining to the

# GENERAL ORDER

## FAIRFAX COUNTY POLICE DEPARTMENT



SUBJECT: REGULATIONS	NUMBER: 201
CANCELS ORDER DATED: 7-1-12	ISSUE DATE: 4-1-13

matter to the attention of a supervisory officer, Staff Duty Officer, DPSC supervisor or station/division commander. Supervisory or command personnel contacted shall then take appropriate action, in accordance with existing laws and regulations. An employee may bypass official chain of command and directly advise the Chief of Police of the violation(s).

### 201.6 PRESERVATION OF PEACE AND PROTECTION OF LIFE AND PROPERTY

It shall be the duty of each sworn officer of the Department to:

- Preserve the public peace;
- Protect life and property; and
- Enforce and uphold the laws of the Commonwealth of Virginia and the ordinances of the County of Fairfax.

### 201.7 STANDARDS OF CONDUCT

#### A) Unbecoming Conduct

Employees shall conduct themselves at all times, both on and off duty, in such a manner as to reflect most favorably on the Department. Conduct unbecoming an employee shall include that which brings the Department into disrepute or reflects discredit upon the employee as a member of the Department, or that which impairs the operation or efficiency of the Department or employee.

#### B) Immoral Conduct

Employees shall maintain a level of moral conduct in their personal and business affairs which is in keeping with the highest standards of the law enforcement profession. Employees shall not participate in any incident involving moral turpitude which impairs their ability to perform their duties or causes the Department to be brought into disrepute.

# GENERAL ORDER

## FAIRFAX COUNTY POLICE DEPARTMENT



SUBJECT: REGULATIONS	NUMBER: 201
CANCELS ORDER DATED: 7-1-12	ISSUE DATE: 4-1-13

### C) Associations

1. Employees shall avoid regular or continuous associations or dealings with persons whom they know, or should know, are persons under criminal investigation or indictment, or who have a reputation in the community or the Department for present involvement in felonious or criminal behavior, except as necessary to the performance of official duties, or where unavoidable because of other personal relationships of the employees.
2. No employee shall initiate or establish a personal, business, sexual, or dating relationship with a victim or suspect in an active criminal case in which the employee is directly involved in any phase of the investigative process. The prohibition on initiating or establishing relationships shall be in effect until the completion of the following:
  - a. If an arrest is made, until such time as all court proceedings relating to the incident are completed.
  - b. If there is no arrest made, until such time as the investigative process is completed.
3. Employees shall disclose to their commander any personal, business, sexual, or dating relationship they may have with an individual who they know is under criminal investigation or where the appearance of a conflict of interest may exist.

### 201.8 COOPERATION/COORDINATION

Employees shall coordinate their efforts with all other employees of the Department and County agencies, with the objective of ensuring maximum achievement and continuity of purpose through teamwork. All employees are charged with the responsibility of fostering and maintaining a high degree of cooperation both within the Department and all other agencies.

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# GENERAL ORDER

## FAIRFAX COUNTY POLICE DEPARTMENT

---



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SUBJECT: REGULATIONS	NUMBER: 201
CANCELS ORDER DATED: 7-1-12	ISSUE DATE: 4-1-13

---

### 201.9 ASSISTANCE TO FELLOW OFFICERS

No officer shall fail to aid, assist, or protect a fellow officer to the full extent of his capability in time of need in accordance with established procedures.

### 201.10 OBLIGATION TO DUTY

Officers of the Department are always subject to duty, although periodically relieved from its routine performance. They shall at all times respond to the lawful orders of superior officers and other proper authorities as well as requests for police assistance from citizens. Proper police action must be taken whenever required. Officers assigned to special duties are not relieved from taking proper action outside the scope of their specialized assignment when necessary.

### 201.11 REPORTING TO DUTY

Employees shall report for duty at the time and place required by assignment or orders, and shall be properly uniformed, equipped, and prepared to assume duty. They shall give their undivided attention to orders, instructions, and any other information which may be disseminated.

### 201.12 INSPECTIONS

Inspections of employee's dress, uniform or equipment may be made at any time by competent authority. Such inspections shall include, but not be limited to, examination of lockers, desks, or any other space on departmental premises used by any employee.

Supervisors shall perform frequent inspections to ensure that officers have the mandatory equipment to perform their duties, to include only authorized equipment and weapons. If a deficiency is noted, the officer is responsible for remedying the situation within the timeframe provided by his supervisor.

### 201.13 HUMAN RELATIONS

#### A. Citizen Contacts

Employees shall conduct themselves professionally at all times when

# GENERAL ORDER

FAIRFAX COUNTY POLICE DEPARTMENT



SUBJECT: REGULATIONS	NUMBER: 201
CANCELS ORDER DATED: 7-1-12	ISSUE DATE: 4-1-13

representing the Department. They shall use respectful, courteous forms of address to all persons. Displays of bias towards any person on account of race, sex, ethnicity, religious preferences or sexual orientation shall be considered unbecoming conduct.

While in the performance of their duties, or while otherwise representing the Department, officers shall refrain from using offensive words and language. At times it may be appropriate to use raised voices to issue commands and to gain compliance, however, the use of cursing, obscenities and/or racial, ethnic, sexual, religious, or sexual orientation slurs will not be tolerated.

## B. Employee Conduct

Each employee, regardless of rank, is responsible for promoting an image of professionalism at all times and is expected to adhere to the rules, regulations and policies of the County of Fairfax and this Department.

Each employee shall treat individuals, including subordinates, fellow employees and management, with respect, courtesy and tact. Employees are to conduct themselves in a manner that promotes teamwork and cooperation.

Employees with supervisory authority shall not abuse their authority by actions such as: gross favoritism, harassment or mistreatment of employees. Supervisors and field training instructors are prohibited from having a sexual or other inappropriate personal relationship with any employee under their direct chain of command or control that would undermine the effectiveness of the supervisor or FTI towards the employee.

## 201.14 UNLAWFUL DISCRIMINATION

Unlawful discrimination is any action that unjustly results in unequal treatment of persons or groups based on personal characteristics such as age, race, gender, color, national origin, ethnicity, creed, religion, or disability. Racial discrimination, sexual harassment, racial profiling, bias based policing, or any other form of unlawful discrimination, either by a

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# GENERAL ORDER

## FAIRFAX COUNTY POLICE DEPARTMENT

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SUBJECT: REGULATIONS	NUMBER: 201
CANCELS ORDER DATED: 7-1-12	ISSUE DATE: 4-1-13

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specific act or omission, by or against any employee, is unlawful and will not be tolerated.

Commanders and supervisors have the responsibility to ensure that no Department employee is subjected to unlawful discrimination or sexual harassment, or actions which could be reasonably perceived as unlawful discrimination or sexual harassment, as a result of their own conduct or the conduct of other employees. A supervisor or commander shall take prompt action to investigate and respond to any allegation or act of unlawful discrimination or sexual harassment, either reported or observed.

Retaliation against any employee for filing a discrimination complaint or participating in an investigation also is unlawful and is strictly prohibited. No employee shall retaliate, or encourage others to engage in retaliation, against any person acting in good faith who:

- Opposes any conduct prohibited by this policy;
- Complies or encourages others to comply with this policy;
- Files a complaint concerning any violation of this policy;
- Testifies, assists, or participates in any investigation or hearing resulting from a complaint under this policy; or
- Exercises any right conferred under this policy.

Inappropriate behavior, even absent any specific intent of the actor, can have a discriminatory impact. In addition, inappropriate or offensive conduct by an employee, whether or not such conduct constitutes unlawful discrimination, may violate the Regulations of this Department, depending on the nature and circumstances of the specific incident. Such misconduct is a violation and must be addressed. In all cases of alleged misconduct, the reviewing authority is responsible for determining the appropriate charge and the necessary corrective action in light of all the facts and circumstances.

### A. Racial Discrimination

# GENERAL ORDER

FAIRFAX COUNTY POLICE DEPARTMENT



SUBJECT: REGULATIONS	NUMBER: 201
CANCELS ORDER DATED: 7-1-12	ISSUE DATE: 4-1-13

As noted above, discrimination on the basis of race, color, ethnicity or national origin is a violation of Title VII of the Civil Rights Act of 1964, as amended. Racial discrimination by the police is often characterized as the unjust and prejudicial application of law enforcement authority to an individual citizen or group of citizens on the basis of their race, color, ethnicity or national origin. However, racial discrimination also occurs through:

- verbal conduct: The use of innuendo, disparaging comments, slurs, or jokes which degrades or offends individuals on the basis of their race, color, ethnicity or national origin; and/or
- non-verbal conduct: The display or distribution of objects, pictures, photographs, graphic illustrations, or other visual or printed material which degrades or offends individuals on the basis of their race, color, ethnicity or national origin.

Unlawful racial discrimination by employees in the workplace is also prohibited. Such misconduct may undermine the integrity of employee relationships, lower employee morale, or interfere with the efficiency of Department operations.

## B. Sexual Harassment

Sexual harassment is a form of sex discrimination. Like other forms of unlawful discrimination, it may undermine the integrity of employee relationships, lower employee morale, or interfere with the efficiency of Department operations. Like discrimination on the basis of race, color, religion, national origin, age or handicap, it is a violation of Title VII of the Civil Rights Act of 1964, as amended. Sexual harassment is unlawful, is a violation of this regulation, and will not be tolerated.

Unwelcome sexual advances, requests for sexual favors, and other verbal and physical contact of a sexual nature constitute harassment when:

1. Submission to such conduct is made a term or condition of an individual's employment; or
2. Submission to or rejection of such conduct forms the basis of

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# GENERAL ORDER

FAIRFAX COUNTY POLICE DEPARTMENT

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SUBJECT: REGULATIONS	NUMBER: 201
CANCELS ORDER DATED: 7-1-12	ISSUE DATE: 4-1-13

---

an employment decision affecting such individual; or

3. Such conduct has the purpose or effect of interfering with work performance or creates an intimidating, hostile or offensive work environment.

Examples of such conduct include (but are not limited to):

- Sexual propositioning
- Sexual innuendo
- Sexually explicit language, comments, or stories
- Sexually oriented "kidding" or "teasing"
- Jokes about gender-specific traits
- Foul or obscene language or gestures
- Display of foul or obscene printed or visual material
- Physical contact, such as patting, pinching, or brushing against another's body.

Sexual harassment does not refer to occasional compliments or touching of a socially acceptable nature which is not unwelcome. It refers to behavior which is unwelcome, which is personally offensive, and which may debilitate morale or interfere with work effectiveness. Individuals who are subjected to inappropriate behavior have a responsibility to make it clear to the offending person, either directly or through the complaint process; that the behavior is offensive to them and will not be tolerated. Individuals who experience harassment of any kind should promptly report the incident to a supervisor or commander, or to the Internal Affairs Bureau, so that appropriate corrective action can be taken.

Information and advice about unlawful discrimination and sexual harassment may be obtained by contacting the Internal Affairs Bureau, the Employee Relations Division in the Department of Human Resources, or the Office of Human Rights and Equity Programs in the Office of the County



# GENERAL ORDER

## FAIRFAX COUNTY POLICE DEPARTMENT



SUBJECT: REGULATIONS	NUMBER: 201
CANCELS ORDER DATED: 7-1-12	ISSUE DATE: 4-1-13

Executive. Additional information can also be found in County Procedural Memorandum 02-03, Policy and Procedure on Sexual Harassment.

### 201.15 AID AND ASSISTANCE TO CITIZENS

While on duty, employees shall aid and/or assist citizens within the County whenever such aid or assistance appears to be called for and is not in conflict with the general principles of law enforcement or in violation of legal statutes or departmental rules and regulations.

Officers shall provide general and emergency assistance to highway users to include, but not limited to:

- General information and directions.
- Jump starting of vehicles.
- Arranging for towing, gasoline delivery or mechanical help.
- Arranging for a locksmith or another party with keys to unlock vehicles. Officers shall not use a slim jim to unlock vehicles.
- Arranging for or providing transportation within the County (transports out of the County must be approved by a supervisor).

When rendering assistance, officers should remain on the scene until help has been requested, hazardous situations are neutralized, DPSC directs the officer to leave for an assignment, or at the direction of a supervisor. Additionally, the officer is required to render all possible assistance to citizens who wish to make any report in accordance with established policies and procedures of the Department. In an off-duty status, an employee has a professional obligation to act in a bonafide emergency situation which may be encountered or where assistance is requested.

### 201.16 IDENTIFICATION AS A LAW ENFORCEMENT OFFICER

Officers shall identify themselves by wearing an approved police uniform with badge or by displaying the official badge and/or identification card before taking police action under the color of law.

# GENERAL ORDER

## FAIRFAX COUNTY POLICE DEPARTMENT



SUBJECT: REGULATIONS	NUMBER: 201
CANCELS ORDER DATED: 7-1-12	ISSUE DATE: 4-1-13

Although it would seem reasonable that the presence of the uniform and the badge would provide sufficient evidence of the officer's position, the availability to purchase police uniforms and badges through police supply stores does create an opportunity for an individual to dress themselves as a law enforcement officer. Thus to ensure citizens who may have some concern over the legitimacy of a Fairfax County officer, all on-duty sworn employees shall carry their Department issued police credentials or identification card with them at all times, whether in a uniform or non-uniform position. The Department issued identification card, or facility pass, may be carried in lieu of the police credentials. When identification is requested for verification purposes, officers shall willingly display their Department issued credentials or identification card for review. Officers who are working off-duty employment shall adhere to the requirements of this order. This requirement may be temporarily suspended by commanders of officers who are working sensitive undercover assignments where the carrying of police credentials or an identification card would jeopardize the safety of the officer or the nature of the investigation.

### 201.17 TRAINING

All employees shall attend in-service training at the direction of the Chief of Police, or competent authority. Such attendance is considered a duty assignment.

Officers are required to receive training and maintain certification for any authorized weapons carried.

### 201.18 ON-CALL STATUS OR STANDBY DUTY

- A. The commander of any entity that maintains 24-hour on-call/standby coverage is responsible for ensuring the police liaison commander (PLC) is provided with the names and contact information for the on-call employees under their command. The PLC will dictate the format to be used, in coordination with the Department of Public Safety Communications' supervisor, to ensure a single on-call list is produced.
- B. An officer or other employee who is placed on stand-by duty or on-call status shall restrict their consumption of alcoholic beverages in such a manner as to be in compliance with all applicable laws and

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# GENERAL ORDER

## FAIRFAX COUNTY POLICE DEPARTMENT

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SUBJECT: REGULATIONS	NUMBER: 201
CANCELS ORDER DATED: 7-1-12	ISSUE DATE: 4-1-13

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regulations.

### 201.19 PHYSICAL FITNESS, EXAMINATIONS

The role of a police officer often demands quick response to situations requiring physical exertion after long periods of sedentary activity. The safety of the general public and individual officers demands that officers maintain themselves in good physical condition regardless of assignment. Poor physical condition, such as obesity, is as much a detriment to the Department image as improper demeanor or unkempt uniform appearance. All officers are encouraged to keep fit and to undertake such programs of exercise as may be required to do so. All officers shall have physical examinations conducted by a designated County agency, as required, at no cost to the officer.

### 201.20 ESTABLISHING ELEMENTS OF VIOLATION

The existence of facts confirming a violation of law, ordinance, rule or regulation is all that is necessary to support any allegation for a charge under this section. It is not necessary that formal complaints be filed or sustained.

### 201.21 TRUTHFULNESS

When questioned by competent authority, employees shall give complete and honest answers to any question related to the performance of their official duties or their fitness to hold public office.

### 201.22 BIAS BASED POLICING

Investigative detentions, traffic stops, arrests, searches, and property seizures by officers will be based on a standard of reasonable suspicion or probable cause in accordance with the Fourth Amendment of the U.S. Constitution. Officers must be able to articulate specific facts and circumstances that support reasonable suspicion or probable cause for investigative detentions, traffic stops, arrests, nonconsensual searches, and property seizures.

Except as provided below, officers shall not consider race/ethnicity in establishing either reasonable suspicion or probable cause. Similarly,

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# GENERAL ORDER

FAIRFAX COUNTY POLICE DEPARTMENT



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SUBJECT: REGULATIONS

NUMBER: 201

CANCELS ORDER DATED: 7-1-12

ISSUE DATE: 4-1-13

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except as provided below, officers shall not consider race/ethnicity in deciding to initiate even those nonconsensual encounters that do not amount to legal detentions or to request consent to search.

Officers may take into account the reported race or ethnicity of a specific suspect or suspects based on trustworthy, locally relevant information that links a person or persons of a specific race/ethnicity to a particular unlawful incident(s). Race/ethnicity can never be used as the sole basis for probable cause or reasonable suspicion.

Except as provided above, race/ethnicity shall not be motivating factors in making law enforcement decisions. Violations of this regulation will be investigated by the Internal Affairs Bureau.